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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,068	04/20/2000	Christopher Phillips	04814.P017	5825
25943	7590	09/15/2005		
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER PATEL, JAGDISH	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,068

Applicant(s)

PHILLIPS ET AL.

Examiner

JAGDISH PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10, 13-15, 17-20, 22-25, 43-45, 48 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) 26-32, 35-42, 53-55 and 58-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13, 14, 20, 22-25, 43-49, 51 and 52 is/are rejected.
- 7) ☒ Claim(s) 15, 17-19 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 3/28/2005.

Response to Amendment

2. Claims 1-3, 7-10, 13-15, 17-20, 22-25, 43, 48 and 50-52 have been amended.
3. Claims 1-4, 7-10, 13-15, 17-20, 22-32, 35-42, 43-45, 48, 50-55 and 58-60 are currently pending out of which claims 26-32, 35-42, 53-55 and 58-60 have been withdrawn from consideration.

Response to Arguments

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. Claims 1-4, 7-10, 13, 14, 20, 25, 43-45, 48, 49, 51 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft and further in view of Demoff.

Per claim 1: Flitcroft teaches a computer implemented method comprising:

the billing service providing a first billing data for use by a user to conduct transactions exclusively with a first web site, and facilitating said exclusive use with said first web site, including receiving notification of usage of the first billing data from its issuing source;

and

Art Unit: 3624

the billing service providing a second billing data for use by a user to conduct transactions exclusively with a second web site, and facilitating said exclusive use with said second web site, including receiving notification of usage of the first billing data from its issuing source;

(see col. 10 L 25-55 capability of transmitting the limited-use credit card numbers to customers, see col. 16 L 16 L 46-59 .. alternatively, a credit card number can be used, for example, to implement an installment plan where the credit card number is, for example, only valid for twelve payments for a pre-arranged transaction limit for twelve months to a single merchant. This plan provides security against fraud because it is locked to a single merchant, and it is only good for one year. Or similarly, a credit card number can be used to implement a debit plan where the credit card number is limited to a specific merchant. When the limited-use number is limited to a specific merchant, the merchant can be prearranged by the user or can be determined by first use. See col. 19 L 22-34)

Flitcroft fails to teach , however, Demoff in the same field of endeavor, teaches a method

a billing service implemented with one or more computing devices obtaining a first and a second billing data from one or more billing data issuing sources; the billing service not being a billing data issuing source, and the first and the second billing data being separate and distinct billing data;

(refer to Fig. 8 and col. 7 L 9-20 , first and second billing data correspond to temporary credit transaction numbers obtained by a billing service)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate modify Flitcroft in view of Demoff to have a billing service obtain the first and second billing data from one or more billing data issuing source because this enable a third party such as the billing service provider to coordinate the billing services for the issuing sources of the billing data.

Claim 2. the billing service providing the first billing data to the user comprises providing said first billing data in advance of the user registering with said first web site.

(col. 10 L 25+ limited-use credit card numbers .. delivered to the to the customer via the mail)

Art Unit: 3624

Claim 3. Flitcroft fails to teach, however, Demoff in the same field of endeavor teaches providing said first billing data to the user in real time while the user registering with said first web site (Fig. 8 and para [0042]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this process in Flitcroft because it would make issuing the billing data faster and more reliable. Providing the billing data the time the user is conducting a transaction also makes him or her more likely to use the billing data to complete the transaction.

Claim 4. wherein the first billing data comprises a first credit card identifier, and the second billing data comprises a second credit card identifier, separate and distinct from said first credit card identifier (see claim 1 analysis, Flitcroft explicitly teaches that the billing data is credit card numbers and see “randomness in credit card numbers” as discussed at col. 12, L10 which indicate distinctness of the credit card numbers)).

Claims 7: said first web site requiring first payment format;

paying for a transaction with said first web site according to said first payment format;

[see col. 15 L 25-30 “correct format for a credit card number with a valid check sum”];

billing the user according to billing arrangement different from a billing arrangement corresponding to said billing format.

[see col. 15 L 25-30, see master credit card number]

Claims 8 and 9 are similarly analyzed as claim 7.

Claim 10. The method of claim 1 wherein; the billing service obtaining comprises the billing service obtaining said first billing data from a financial institution that is a billing data source (col. 12 L 38 –41 “issuing bank”).

Claim 13. Flitcroft fails to teach, however, Demoff in the same field of endeavor teaches the billing service obtaining comprises the billing service obtaining in real time at least one of said first and second billing data in real-time just prior to providing the selected ..billing data to the user

(refer to Fig. 8 and col. 7 as discussed before)

Art Unit: 3624

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this process in Flitcroft because it would make issuing the billing data faster and more reliable. Providing the billing data in real-time just prior to the providing the data to the user is conducting a transaction improves security of the transaction because this minimizes chances of theft or unauthorized use.

Claim 14. Flitcroft fails to teach, however, Demoff in the same field of endeavor teaches the billing service ... pre-obtaining said first billing data; and

the billing service providing said first billing data in real time from the billing service providing said first billing data to either the user or the first web site in real-time during a first transaction with the first web-site.

(see col. 12 L 38-53, col. 10 L 25-55, "electronically downloaded to the user's personal computer").

Claim 20: Flitcroft explicitly discloses
..organizing said received notification of usage of first and second billing data based at least in part on whether the charges are with the first or the second web sites respectively.

(see col. 24 L 42-62)

Claim 25. the first web site is a selected one of a content provider, a service provider and an access provider (refer to Fig. 1 and col. 9 L 40+ and claim 13).

Claim 43. analyzed per method claim 1.

Claim 44. analyzed per method claim 2.

Claim 45. analyzed per method claim 3.

Claim 48. analyzed per method claim 8.

Art Unit: 3624

Claim 49. wherein the apparatus is embedded within a host selected from a set of hosts consisting of: a computing device, an electronic card, a telephone, a personal digital assistant (PDA), a portable audio device, a portable audiovisual device, a cellular telephone, a key-chain dongle, and a transportation device.

(col. 10 L 25-55)

Claims 51 and 52. analyzed per claim 1 and 3 combined.

6. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claim 20 above.

Claims 22-23: Flitcroft fails to disclose limitation of the billing service disputing.. all notifications of usage of said first and second billing data not associated with the first and second web sites. Official is notice is taken that providing for disputing credit card charges from a merchant web site is old and well known business practice. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement these limitations because it would allow the user to have removed any unauthorized charges from his/her account and receive appropriate credit for the unauthorized charges.

Claim 24. Flitcroft fails to disclose limitation of a single press of the control to issue instruction of the user.

Official is notice is taken that providing for a single press of the control to issue instruction to carry out commercial transaction is and well known business practice.

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement a single press of the control to issue instruction which would eliminate need for the user to enter a plurality of instruction parameters related to the disputed charges.

Allowable Subject matter

7. Claim 15, 17-19 and 50 are objected as being allowable if written in independent form.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

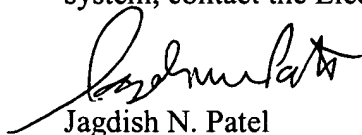
Art Unit: 3624

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

7/11/05